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PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/708,525	
	Filing Date	March 10, 2004	
	First Named Inventor	Susumu Noda	
	Art Unit	2874	
	Examiner Name	Sarah U. Song	
Total Number of Pages in This Submission	45	Attorney Docket Number	39.039

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Judge Patent Firm		
Signature			
Printed name	James W. Judge		
Date	December 3, 2004	Reg. No.	42,701

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

App. No.	:	10/708,525	Confirmation No. 2524
Applicant	:	Susumu Noda, et al.	
Filed	:	March 10, 2004	
Tech. Cntr./Art Unit	:	2874	
Examiner	:	Sarah U. Song	
Docket No.	:	39.039	
Customer No.	:	29453	

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

This constitutes an Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.97 and 1.98. The attached documents listed on the accompanying Form PTO/SB/08A are hereby brought to the Examiner's attention in the patent application identified above.

**REMARKS**

All of the presently submitted references, listed on Form PTO/SB/08A submitted herewith, were cited in a communication from the European Patent Office in a counterpart application. Among these, Cite No. F2 is not in English.

**Concise Explanation of Relevance/Copy of Translation**  
**Pursuant to 37 C.F.R. § 1.98(a)(3)**

With regard to Cite No. F2, JP 2001-242329, Applicants note that the European Search Report cites both the English version, by Patent Abstracts of Japan (PAJ), of the abstract for JP 2001-242329, as well as select passages and figures from the published Japanese patent application. As a concise explanation of the relevance, then, of Cite No. 2—and for the Examiner's reference regarding the

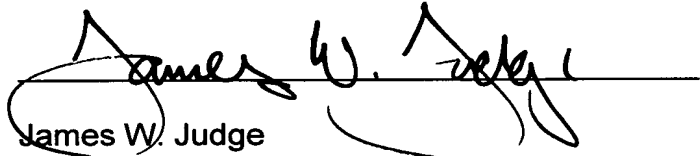
App. No. 10/708,525  
IDS Submission

relevance of the other presently submitted documents—a copy European Search Report also accompanies this paper.

The Examiner is respectfully requested to consider these references, and to indicate so on the accompanying Form PTO/SB/08A and make the document of record in the present application.

Respectfully submitted,

December 3, 2004



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Registration No. 42,701

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/708,525	
			Filing Date	March 10, 2004	
			First Named Inventor	Susumu Noda	
			Art Unit	2874	
Examiner Name	Sarah U. Song				
Attorney Docket Number	39.039				
Sheet	1	of	2		

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	U1	US-5,748,057-A	05-05-1998	De Los Santos Roberts	
	U2	US-6,175,671-B1	01-16-2001		
		US-			
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		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	F1	EP-1-136-853-A	09-26-2001	TDK, Kansai Tech Licensing		✓
	F2	JP-2001-242329-A	09-07-2001	Olympus	Abstract; paras. 0029-0040; Figs. 1a, 1b, 3	✓

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B (10-01)

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/708,525
Sheet	2	Filing Date	March 10, 2004
of	2	First Named Inventor	Susumu Noda
		Group Art Unit	2874
		Examiner Name	Sarah U. Song
		Attorney Docket Number	39.039

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	O1	E. Centeno, et al., "Multiplexing and demultiplexing with photonic crystals," Journal of Optics A: Pure Appl. Opt., IOP Publishing, Bristol, GB, Vol. 1, No. 5, September 1999, pp. L10-L13.	
	O2	Masahiro Imada and Susumu Noda, "Recent progress of Semiconductor Photonic Crystals," IEEE-NANO 2002, August 26, 2002, pp. 217-218.	

Examiner Signature	Date Considered
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